1 2 3 4 5 6 UNITED STATES DISTRICT COURT WESTERN DISTRICT OF WASHINGTON 7 AT SEATTLE FRANCES M. SAYLER, 8 Case No. C12-986-TSZ-BAT Plaintiff, 9 **REPORT AND** v. 10 RECOMMENDATION MICHAEL J. ASTRUE, Commissioner of 11 Social Security, 12 Defendant. 13 14 Frances M. Sayler seeks review of the denial of her Supplemental Security Income 15 application. Dkt. 4. The parties stipulate the case should be reversed and remanded for further 16 administrative proceedings pursuant to sentence four of 42 U.S.C. § 405(g). Dkt. 24. 17 The Court has considered the parties' stipulation and the record and recommends the case be **REVERSED** and **REMANDED** under sentence four of 42 U.S.C. § 405(g), for further 18 19 administrative proceedings. On remand, the Administrative Law Judge will hold a *de novo* 20 hearing and plaintiff may raise any issue. The ALJ will: 21 Consider the period between July 6, 2009, and November 17, 2010, without 22 disturbing plaintiff's subsequent favorable claim; 23 Give further consideration to the medical source opinions in the record and evaluate **REPORT AND RECOMMENDATION - 1** 

them in accordance with Social Security Ruling 96-2p, specifically the opinions of Dr. McElhinny, Dr. Peterson, and the nurse practitioner working with Dr. Nicholson;

- Reevaluate the severity of plaintiff's mental impairments and apply the special technique outlined in 20 C.F.R. § 416.920(a);
- Reevaluate plaintiff's credibility; reassess the mental and physical residual functional capacity; and complete the sequential evaluation process, obtaining supplemental vocational expert testimony.

Plaintiff is entitled to reasonable attorney fees pursuant to 28 U.S.C. § 2412, upon proper request to this Court.

Because the parties have stipulated that the case be remanded as set forth above, the Court recommends that United States District Judge Thomas S. Zilly immediately approve this Report and Recommendation and order the case **REVERSED** and **REMANDED** for further administrative proceedings pursuant to sentence four. A proposed order accompanies this Report and Recommendation.

DATED this 29th day of October, 2012.

BRIAN A. TSUCHIDA United States Magistrate Judge